

"Express Mail" mailing label number EV284452453US

Date of Deposit. July 8, 2003

**REQUEST FOR FILING A CONTINUING PATENT APPLICATION UNDER 37 CFR § 1.53(b)(1)**

21906 U.S. PTO  
10/615749  
07/08/03

Case No.	ANTICIPATED CLASSIFICATION OF THIS APPLICATION		PRIOR APPLICATION EXAMINER	ART UNIT
	CLASS	SUBCLASS		
8491-50	108	055.100	J. Wilkens	3637

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This is a request for filing a  continuation  divisional application under 37 CFR § 1.53(b)(1), of prior application number 10/140,970, filed on May 7, 2002, entitled PORTABLE RACK FOR BUILDING MATERIALS AND METHOD OF USING SAME.

1.  Copy Of the Prior application (30 pages, which includes 20 sheets of drawings and 10 pages of Application (including title page).
2.  Copy of the Declaration filed in the Prior application.
3.  PTO Form 1449 and Information Disclosure Statement.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	12 - 20 =	0	x \$ 18 =	\$0
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	1 - 3 =	0	x \$ 78 =	\$0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$260 =	\$ 0
				BASIC FEE (37 CFR 1.16(a))	\$ 740
				Total of above Calculations =	\$ 740
				Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)	\$375
				TOTAL =	\$375

4.  A verified statement to establish small entity status under 37 CFR 1.9 and 1.27.
  - is enclosed.
  - was filed in prior application number 09/399,628 and such status is still proper and desired (37 CFR 1.28(a)).
5.  The Assistant Commissioner is hereby authorized to charge any fees which may be required under 37 CFR 1.16 and 1.17, or credit any overpayment to Deposit Account No. 04-0258. A duplicate copy of this sheet is enclosed.
6.  Enclosed are checks for \$375 to cover the filing fees.
7.  Cancel in this application original claims 1-33 of the prior application and otherwise enter the attached preliminary amendment before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
8.  The inventor(s) of the invention being claimed in this application is(are): Donald F. Swanson.
9.  This application is being filed by less than all the inventors named in the prior application. In accordance with 37 CFR 1.63(d)(2), the Assistant Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application: \_\_\_\_\_.

10.  Amend the specification by inserting before the first line the sentence: "This application is a  continuation  
 division of application number \_\_\_\_\_, filed \_\_\_\_\_.
11.  New formal drawings are enclosed.
12.  Priority of foreign application number \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.  
 The certified copy has been filed in prior application number \_\_\_\_\_, filed \_\_\_\_\_.
13.  A preliminary amendment is enclosed.
14.  The prior application is assigned of record to \_\_\_\_\_.
15.  Also enclosed: postcard evidencing receipt
16.  The power of attorney in the prior application is to Vita G. Conforti and other attorneys at the firm of DAVIS WRIGHT TREMAINE.  
a.  The power appears in the original papers in the prior application.  
b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
c.  Address all future correspondence to: (may only be completed by applicant, or attorney or agent of record.)

Eun-Young Choi  
Davis Wright Tremaine  
1501 Fourth Avenue  
Seattle, Washington 98101



Signature

Name: Eun-Young Choi  
Reg. No. P-54,032

- Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record  
 Filed under 37 CFR 1.34(a)  
Registration Number if acting under 37 CFR 1.34(a): \_\_\_\_\_

16152  
U.S.  
PTO  
07/08/03

EXPRESS MAIL NO. EV28452453US

PTO/SB/17 (05-03)

Approved for use through 04/03/2003. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **375.00**

Complete if Known

Application Number	
Filing Date	July 8, 2003
First Named Inventor	Donald F. Swanson
Examiner Name	
Art Unit	
Attorney Docket No.	8491-50

**METHOD OF PAYMENT (check all that apply)**
 Check    Credit card    Money Order    None
 Deposit Account:

Deposit Account Number

04-0258

Deposit Account Name

Davis Wright Tremaine LLP

The Commissioner is authorized to: (check all that apply)

- Charge fee(s) indicated below    Credit any overpayments
- Charge any additional fee(s) during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee
- Charge any deficiencies to the above-identified deposit account.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity      Small

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive – unavoidable	
1453	1,300	2453	650	Petition to revive – unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

**2. EXTRA CLAIM FEES**

Total Claims	12	- 20** =	Extra Claims	Fee from below	Fee Paid
Independent Claims	1	- 3** =			
Multiple Dependent					

Large Entity			Small Entity	
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY**

Name (Print/Type)	Eun-Young Choi	Registration No.	
Attorney/Agent		P54,032	

\*00000\*

22504

PATENT TRADEMARK OFFICE

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Arlington, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.